

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.2062 OF 2007

ORAL ORDER:

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The petitioner herein was issued a passport bearing No.A7282239 dated 25.2.1999. It is stated that in the said passport the date of birth of the petitioner was wrongly entered as 20.10.2006, instead of 20.10.1961. Having realized the said mistake, the petitioner made a representation dated 9.1.2007 requesting the respondent to correct the entry relating to the date of birth in the passport. Aggrieved by the inaction on the part of the respondent in considering the representation of the petitioner, this writ petition has been filed.

I have heard the learned counsel for the petitioner and perused the material on record.

Despite personal service in the Office of the respondent on 8.8.2007, the respondent did not choose to appear.

It is to be noted that the Government of India, Ministry of External Affairs, issued circular dated 18.04.2001, which reads as under:

- (a) Where an applicant is seeking rectification/Correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.
- (b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.
- (c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth."

Having considered the above circular, this Court in **Ali**

Imran v. Regional Passport Officer, Secunderabad ^[1]

held that as per the circular dated 18.04.2001, it is permissible to accept the applications for rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of date of birth of the petitioner sought to be entered in the passport is only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum v. Regional Passport Officer, Secunderabad** ^[2].

Having regard to the facts and circumstances of the case and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of with a direction to the respondent to reconsider the petitioner's representation dated 9.1.2007 in terms of the circular dated 18.04.2001, taking into consideration the supporting material produced by the petitioner and to pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

(G. ROHINI, J.)

20th August, 2007.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.11788 OF 2007

20th August, 2007

Between:

Kamal Ahmed.

.. Petitioner.

And

The Regional Pass Port Officer,
Secunderabad, Hyderabad.

.. Respondent.

[\[1\]](#) 2003(3) ALD 625;

[\[2\]](#) 2004(6) ALD 360.